

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CAROLYN GREENE, on Behalf of Herself  
and All Others Similarly Situated,  
Plaintiff,

v.

BIOPURE CORPORATION, THOMAS A. MOORE,  
CARL W. RAUSCH and RONALD F. RICHARDS,  
Defendants.

Civ. No. 03-12628-NG

JOHN G. ESPOSITO, JR., on Behalf of  
Himself and All Others Similarly  
Situating,  
Plaintiff,

v.

BIOPURE CORPORATION, THOMAS A. MOORE,  
CARL W. RAUSCH and RONALD F. RICHARDS,  
Defendants.

Civ. No. 04-10013-NG

JOSEPH L. KING, on Behalf of Himself  
and All Others Similarly Situated,  
Plaintiff,

v.

BIOPURE CORPORATION, THOMAS A. MOORE,  
CARL W. RAUSCH and RONALD F. RICHARDS,  
Defendants.

Civ. No. 04-10038-NG

MICHAEL E. CRIDEN, on Behalf of Himself  
and All Others Similarly Situated,  
Plaintiff,

v.

BIOPURE CORPORATION, THOMAS A. MOORE,  
and CARL W. RAUSCH,  
Defendants.

Civ. No. 04-10046-NG

ISRAEL SHURKIN and SHARON SHURKIN, on )  
Behalf of Themselves and All Others )  
Similarly Situated, )  
Plaintiffs, )  
v. )  
BIOPURE CORPORATION, THOMAS A. MOORE, )  
and CARL W. RAUSCH, )  
Defendants. )

Civ. No. 04-10055-NG

JAMES J. NIZZO, VIRGINIA C. NIZZO and )  
CARLO CILIBERTI, on Behalf of Themselves )  
and All Others Similarly Situated, )  
Plaintiffs, )  
v. )  
BIOPURE CORPORATION, THOMAS A. MOORE, )  
CARL W. RAUSCH and RONALD F. RICHARDS, )  
Defendants. )

Civ. No. 04-10065-NG

BARRY BROOKS, on Behalf of Himself )  
and All Others Similarly Situated, )  
Plaintiff, )  
v. )  
BIOPURE CORPORATION, THOMAS A. MOORE, )  
CARL W. RAUSCH and RONALD F. RICHARDS, )  
Defendants. )

Civ. No. 04-10077-NG

ANASTASIOS PERLEGIS, on Behalf of  
Himself and All Others Similarly  
Situating,  
Plaintiff,

v.

BIOPURE CORPORATION, THOMAS A. MOORE,  
CARL W. RAUSCH and RONALD F. RICHARDS,  
Defendants.

Civ. No. 04-10078-NG

MARTIN WEBER, on Behalf of Himself  
and All Others Similarly Situated,  
Plaintiff,

v.

BIOPURE CORPORATION, THOMAS A. MOORE,  
CARL W. RAUSCH and RONALD F. RICHARDS,  
Defendants.

Civ. No. 04-10090-NG

BRUCE HAIMS, on Behalf of Himself  
and All Others Similarly Situated,  
Plaintiff,

v.

BIOPURE CORPORATION, THOMAS A. MOORE,  
CARL W. RAUSCH and RONALD F. RICHARDS,  
Defendants.

Civ. No. 04-10144-NG

MODEL PARTNERS LIMITED, Individually  
and on Behalf of All Others Similarly  
Situating,  
Plaintiff,

v.

BIOPURE CORPORATION, THOMAS A. MOORE,  
CARL W. RAUSCH and RONALD F. RICHARDS,  
Defendants.

Civ. No. 04-10155-NG



JUNE E. PATENAUE, on Behalf of Herself )  
and All Others Similarly Situated, )  
Plaintiff, )

v. )

Civ. No. 04-10179-NG

BIOPURE CORPORATION, THOMAS A. MOORE, )  
CARL W. RAUSCH and RONALD F. RICHARDS, )  
Defendants. )

NANCY L. PINCKNEY, and GERTRUDE )  
PINCKNEY, on Behalf of Themselves and )  
All Others Similarly Situated, )  
Plaintiffs, )

v. )

Civ. No. 04-10189-NG

BIOPURE CORPORATION, THOMAS A. MOORE, )  
CARL W. RAUSCH and RONALD F. RICHARDS, )  
Defendants. )

W. KENNETH JOHNSON, on Behalf of )  
HIMself and All Others Similarly )  
Situating, )  
Plaintiff, )

v. )

Civ. No. 04-10190-NG

BIOPURE CORPORATION, THOMAS A. MOORE, )  
CARL W. RAUSCH and RONALD F. RICHARDS, )  
Defendants. )

GREGORY KRUSZKA, on Behalf of Himself )  
and All Others Similarly Situated, )  
Plaintiff, )

v. )

Civ. No. 04-10202-NG

BIOPURE CORPORATION, THOMAS A. MOORE, )  
CARL W. RAUSCH and RONALD F. RICHARDS, )  
Defendants. )

**ORDER OF CONSOLIDATION AND APPOINTMENT  
OF LEAD PLAINTIFF AND LEAD COUNSEL**

IN RE BIOPURE CORPORATION May 14, 2004  
SECURITIES LITIGATION

This Court, having considered the motions of various plaintiffs (including Ronald Erickson) for consolidation, appointment as lead plaintiffs, and approval of selection of lead counsel, and the memoranda of law and declaration of Bradley Dyer, in support thereof, and good cause appearing therefor, hereby makes the following order:

**I. CONSOLIDATION**

All actions identified in the captions above and any other related actions which have been or will be filed against Biopure Corporation and additional defendants for violation of the Securities Exchange Act of 1934 shall be hereby consolidated.

The Caption of those consolidated class actions shall be "IN RE BIOPURE CORPORATION SECURITIES LITIGATION" and the files of these consolidated actions shall be maintained in one master file under **Master File No. 03-CV-12628-NG**. Any other related individual or class actions now pending or hereafter filed in the District Court of Massachusetts shall be consolidated as part of the In re Biopure Securities Litigation as and when they are brought to the attention of the Court.

Henceforth, every pleading or other such document in these consolidated actions which ordinarily contains a pleading caption, shall bear the following caption:

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IN RE BIOPURE CORPORATION  
SECURITIES LITIGATION  
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Master File No. 03-12628-NG

**II. APPOINTMENT OF LEAD PLAINTIFF**

Having considered the provisions of Section 21D (a) (3) (B) of the Securities Exchange Act of 1934, it is hereby ordered that Ronald Erickson is the "most adequate plaintiff" and that Ronald Erickson satisfies the requirements of the Exchange Act. The Court hereby appoints Ronald Erickson as Lead Plaintiff in this action.

**III. APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL**

Pursuant to §21D(a) (3) (B) (v) of the Exchange Act, Lead Plaintiffs have selected and retained the law firm of Stull, Stull & Brody as lead counsel, and the law firm of Shapiro Haber & Urmy LLP as co-lead counsel and Liaison Counsel. The Court approves Lead Plaintiff Ronald Erickson's retention of counsel and appoints Stull, Stull & Brody as lead counsel, and Shapiro Haber & Urmy LLP as co-lead counsel and Liaison Counsel.

SO ORDERED.

Dated: May 14, 2004

s/NANCY GERTNER, U.S.D.J.